

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and  
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., et al.

Defendants.

Case No. 1:21-cv-11181-PBS

**DEFENDANT STEPHANIE STOCKWELL' S  
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Defendant Stephanie Stockwell, Pro Se, respectfully submits this memorandum in support of her Motion to Dismiss. Pursuant to Fed. R. Civ. P. 12(b)(6), the Court must dismiss the Amended Complaint (Dkt. 176) as far as it “fail[s] to state a claim upon which relief can be granted.”

The original complaint filed in this action by Plaintiffs Ina and David Steiner was 92 pages long, included 366 paragraphs of factual allegations, named 11 different defendants, and asserted 12 different claims against each of them, totaling 132 distinct causes of action. Dkt. 1. Numerous motions to dismiss were filed against this pleading. *See* Dkt. 79, 81, 83, 88, 89, 93, 98, 101, 102, 106. Following several rounds of supplemental briefing, the Court denied all of these motions without prejudice and ordered Plaintiffs to file an amended complaint in light of intervening events during the pendency of the motions. Dkt. 167. Plaintiffs responded by filing a First Amended Complaint that is 123 pages long, includes 572 paragraphs of factual

allegations, names 13 different defendants, and asserts 14 different causes of action (most of which are pled against all of the defendants collectively). Dkt. 176 (“FAC”).

Plaintiffs’ new complaint suffers from the same defects as their first one. The sheer volume of the FAC’s allegations and claims should not be confused for adequate pleading. Despite its girth, the FAC sets forth almost exclusively shotgun allegations, without bothering to distinguish between the acts of the many defendants, let alone articulating a factual basis for the specific claims asserted against each of them. Rule 8 requires a “short and plain statement” of each claim, as well as actual facts (not conclusions or mere recitations of claim elements) demonstrating a plaintiff’s entitlement to relief. Fed. R. Civ. P. 8(a)(2). “To provide the notice required under Rule 8(a), a plaintiff cannot ‘lump’ defendants together when it cannot be reasonably inferred that all of the defendants were involved in the alleged misconduct, or it is otherwise not clear to which defendant or defendants the plaintiff is referring.” *Sires v. Hefferman*, No. CA 10-11993-MLW, 2011 WL 2516093, at \*5 (D. Mass. June 21, 2011).

Plaintiffs have failed to satisfy their basic pleading obligations here, for despite the volume of the FAC, in most instances it does not set forth allegations sufficient to sustain the specific claims asserted against the individual defendants, including against Defendant Stephanie Stockwell. As to Stockwell, the FAC asserts 10 separate causes of action. (Counts Five, Six, Seven, and Fourteen, which are for negligent hiring, negligent supervision, negligent retention, and ratification, respectively, are not pled against her.) By this motion, Stockwell requests that the Court dismiss these claims—Counts One, Two, Three, Four, Eight, Nine, Ten, Eleven, Twelve and Thirteen—as each of these fails to state a viable cause of action as to her.

In support of this motion, Ms. Stockwell adopts and incorporates by reference all the arguments and authorities of Defendant Brian Gilbert as applicable to her. Dkt. 194. She also adopts and incorporates by reference all the arguments and authorities of Defendant Philip Cooke as applicable to her. Dkt. 204. And, she adopts and incorporates by reference all the arguments and authorities of Defendant Devin Wenig as applicable to her. Dkt. 197.

For the reasons set forth in the applicable authorities as incorporated herein, Ms. Stockwell respectfully requests that Court enter an order, pursuant to Rule 12(b)(6), dismissing Counts One, Two,

Three, Four, Eight, Nine, Ten, Eleven, Twelve, and Thirteen which do not adequately state a claim against her.

Dated: April 23, 2023

Respectfully submitted,

/s/ Stephanie Stockwell

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